

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TRACY T. FINLEY,)	
)	
Plaintiff,)	
)	
VS.)	No. 11-1008-JDT-egb
)	
TENNESSEE DEPARTMENT OF)	
CORRECTION, ET AL.,)	
)	
Defendants.)	

ORDER DENYING MOTION TO CONSOLIDATE
APPELLATE FILING FEES

On May 15, 2015, Tracy Finley, a prisoner acting *pro se*, filed a motion asking the Court to “consolidate” the two appellate filing fees that have been assessed in this case. (ECF No. 93.) He asserts that he cannot afford to pay both fees.

Plaintiff filed an interlocutory appeal on September 24, 2014 (ECF No. 69), and the Court assessed the appellate filing fee pursuant to 28 U.S.C. §§ 1915(a)-(b) on October 20, 2014 (ECF No. 75). That appeal was dismissed by the Court of Appeals for lack of jurisdiction. *Finley v. Tenn. Dep’t of Corr.*, No. 14-6168 (6th Cir. Oct. 31, 2014). Plaintiff subsequently filed a motion in this Court seeking a waiver of the appellate fee that had been assessed. (ECF No. 79.) The Court denied the motion, stating that any request for waiver of the filing fee should be directed to the Sixth Circuit.

After the Court granted summary judgment to the last Defendants and entered judgment, Plaintiff filed another appeal (ECF No. 89), which was docketed in the Sixth Circuit on May 7, 2015, as case number 15-5483. This Court again assessed the appellate filing fee pursuant to §§ 1915(a)-(b). (ECF No. 91.)

With his latest motion, Plaintiff, in effect, is again asking for a waiver so that he only has to pay one of the appellate filing fees. However, as the Court stated in the order denying his first motion for waiver, Plaintiff must seek any such relief from the Court of Appeals. Therefore, the motion filed in this Court is DENIED.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE